



**IN THE CIRCUIT COURT OF HARRISON COUNTY MISSISSIPPI
SECOND JUDICIAL DISTRICT**

**JOHN GOLDEN, JR., as parent and next)
of friend to AMAILYA GOLDEN,)
a minor,)**

Plaintiff,)

vs.)

**FAMILY DOLLAR STORES OF)
MISSISSIPPI, INC.,)
Defendant.)**

**Case Number: A2402-2021-181
21-_____**

COMPLAINT

COME NOW the Plaintiffs, John Golden, Jr., as parent and next of friend to Amailya Golden, a minor, and, in accordance with the Mississippi Rules of Civil Procedure, file the following claims for relief. As grounds for said claim the Plaintiffs do state as follows:

I. PARTIES

1. The Plaintiff, John Golden, is over the age of eighteen (18) years and a resident of Harrison County, Mississippi. He is the father of the Amailya Golden, a minor.

2. The Plaintiff, Amilya Golden, is a resident of Harrison County, Mississippi. At the time of her injuries she was fifteen (15) years old.

3. The Defendant, Family Dollar Stores of Mississippi ("Family Dollar") is a company incorporated in the State of Virginia, with its principal place of business located in the State of Mississippi.

4. The Registered Agent for Family Dollar Stores of Mississippi, Inc., for service of this matter is Corporation Service Company, 7716 Old Canton Rd., Suite C, Madison MS 39119.

5. The Plaintiff avers this Court has personal and subject matter jurisdiction.

II. FACTS AND CAUSES OF ACTION

6. On September 14, 2020 the minor Plaintiff and her mother, Johnetta Golden, were business invitees of Family Dollar Stores of Mississippi, Inc., 4526 Popp's Ferry Road, Biloxi, MS 39532.

7. At approximately 11:00 AM while utilizing said premises as a business invitee, the minor Plaintiff fell in water in an aisle that contained juice and snack items. Prior to her fall, the minor Plaintiff saw no indication that the floors were wet or slippery. It was discovered after the fall that the air conditioning system overhead from the area of the fall was leaking.

8. The Plaintiff received a serious injury in the fall. She was diagnosed with a closed head injury and strain/sprain injuries to her neck and back. MRIs of her neck and back following the fall indicated edema and disc bulging at multiple levels.

III. COUNT ONE-NEGLIGENCE

9. Defendant Family Dollar Stores of Mississippi, Inc., knew or should have reasonably known about the hazardous condition.

10. Defendant Family Dollar Stores of Mississippi, Inc., failed to take measures reasonably calculated to remove this danger or warn the minor Plaintiff of its existence.

11. Defendant Family Dollar Stores of Mississippi, Inc.'s, failure to take such measures was a proximate contributing cause of the Plaintiff's injuries.

12. As a proximate consequence of the Defendant's negligence, the Plaintiff has been

forced to undergo medical treatments in hopes of correcting the injuries sustained in this accident. The Plaintiff has incurred medical expenses of more than Thirty-Two Thousand Nine Hundred and Eighty-Six and 31/100 DOLLARS (\$32,986.31). The Plaintiff has suffered severe pain, emotional distress, and mental anguish related to the injuries she sustained. Further, the Plaintiff, in the future, may incur medical expenses, mental anguish, emotional distress, and pain and suffering from the injuries suffered in the incident made the basis of this action.

WHEREFORE, the Plaintiff, John Golden, Jr., as parent and next of friend to Amailya Golden, a minor, seeks a judgment against the Defendant, Family Dollar Stores of Mississippi, Inc., for compensatory damages, with costs of court and interest.

IV. COUNT TWO- GROSS NEGLIGENCE

13. Defendant Family Dollar Stores of Mississippi, Inc., knew or should have reasonably known about this hazardous condition.

14. Defendant Family Dollar Stores of Mississippi, Inc., failed to take measures reasonably calculated to remove this danger or warn the minor Plaintiff of its existence.

15. Defendant Family Dollar Stores of Mississippi, Inc.'s, failure to take such measures was a proximate contributing cause of the Plaintiff's injuries.

16. As a proximate consequence of the Defendant's gross negligence and recklessness, the Plaintiff has been forced to undergo medical treatments and surgery in hopes of correcting the injuries sustained in this accident. The Plaintiff has incurred medical expenses of more than Thirty-Two Thousand Nine Hundred and Eighty-Six and 31/100 DOLLARS (\$32,986.31). The

Plaintiff has suffered severe pain, emotional distress, and mental anguish related to the injuries she sustained. Further, the Plaintiff, in the future, may incur medical expenses, mental anguish, emotional distress, and pain and suffering from the injuries suffered in the incident made the basis of this action.

WHEREFORE, the Plaintiff, John Golden, Jr., as parent and next of friend to Amailya Golden, a minor, seeks a judgment against the Defendant, Family Dollar Stores of Mississippi, Inc., for compensatory and punitive damages, with costs of court and interest.

V. JURY DEMAND

17. The Plaintiffs request trial by jury for all claims related to this matter.

Respectfully submitted,


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SERVICE OF SUMMONS AND COMPLAINT
BY CERTIFIED MAIL AS FOLLOWS

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